

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 28, 2000 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Dorosin
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

CITIZEN COMMENTS REGARDING THE CONNECTION OF AUTUMN DRIVE

Steven Garfinkel, a resident of 208 Barington Hills Road, stated that he had been asked by neighbors to let the Board know how disappointed they are in the Board's decision about the Autumn Drive connection. Mr. Garfinkel stated that the Board committed to pay for sidewalks without a sound estimate. The estimate given the town did not include the cost of bridges over two creeks and moving utilities. Mr. Garfinkel stated that OWASA has told them that the cost for installation of sewer will be more expensive after sidewalks are in place. Mr. Garfinkel stated that his neighbors are angry that the Board would invest time and resources in condemning the cutting of trees by Duke Power and then a week later vote to connect Autumn Drive without presenting any empirical evidence of its value, simply because it is town policy. Mr. Garfinkel asked that the Board's decision be reversed.

REQUEST FOR SPEED BUMPS ON OAK AVENUE

Berkeley Grimball, a resident of 506 Oak Avenue, requested that the town consider placing speed bumps on Oak Avenue at each of the stop intersections. Mr. Grimball stated that people are not stopping at the stop signs.

Alderman Zaffron asked that Mr. Grimball contact the Transportation Planner to obtain the necessary forms to request speed bumps.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE MARCH 21, 2000 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO SET A PUBLIC HEARING FOR THE ARBY'S RESTAURANT CONDITIONAL USE PERMIT

John R. McAdams Company, on behalf of the RTM Restaurant Management Group, has submitted an application for a Conditional Use Permit (CUP) to construct an Arby's Restaurant with drive-through window (Use 8.400) at 102-A Highway 54. The Board of Aldermen must hold a public hearing to receive input before

reaching a decision on a conditional use permit application. The Administration recommended that the Board set a public hearing for April 25, 2000, for consideration of the conditional use permit request.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION CALLING A PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST
FOR THE ARBY'S RESTAURANT PROJECT LOCATED AT 102-A HIGHWAY 54
Resolution No. 134/1999-2000

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed conditional use permit projects; and

WHEREAS, an application has been received for a conditional use permit for the Arby's Restaurant project.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen hold a public hearing on April 25, 2000 to consider the conditional use permit request for the Arby's Restaurant project.

This the 28th day of March 2000.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of March, 2000:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

PUBLIC HEARING/VOLUNTARY ANNEXATION REQUEST/PHASE IV-C/LAKE HOGAN FARMS SUBDIVISION

Michael Dean Chadwick, representing Bolin Creek Investments LLC, has submitted a petition requesting the annexation of Phase IV-C of the Lake Hogan Farms Subdivision. This phase contains 8.45 acres and is non-contiguous to the Carrboro town limits. The administration requested that the Board of Aldermen receive public comment on this request and consider adopting the ordinance annexing this property into the town limits effective March 31, 2000.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASE IV-C OF THE LAKE HOGAN FARMS SUBDIVISION." VOTE: AFFIRMATIVE ALL

PRESENTATION OF REPORT ON ESTABLISHING A DOWNTOWN SPECIAL TAX DISTRICT

The purpose of this item was to present to the Board of Aldermen a report containing a map of the proposed service district and its proposed boundary, a statement showing that the proposed district meets the standards set out in subsection (a) of General Statute 160A-536, and a plan for providing the district with one or more of the services listed in G.S. 160A-536.

Heather McMahon, Scott Ferguson and Tom Cassidy, UNC students, gave an overview of the proposed tax district. Ms. McMahon stated that the tax district would generate approximately \$46,000, which would allow for the purchase of the town-leased parking lot located on South Greensboro Street.

Mr. Morgan stated that no negotiations have been made for the purchase of the property and the cost of the property is only an estimate at this time.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Alex Zaffron.

A RESOLUTION ACCEPTING THE REPORT ON THE PROPOSED ESTABLISHMENT OF A
DOWNTOWN TAX DISTRICT AS REQUIRED BY GENERAL STATUTE 160A-537 AND
AUTHORIZING STAFF TO PLACE THE REPORT IN
THE TOWN CLERK'S OFFICE FOR PUBLIC REVIEW
Resolution No. 135/1999-2000

Whereas, the Mayor and Board of Aldermen are considering establishing a central business tax district to support economic development activities; and

Whereas, the Town has received general support from the Carrboro Business Association; and

Whereas, the N.C. General Statutes require that certain steps be taken prior to implementation a tax district; and

Whereas, a report containing a map of the proposed district and its boundary, a statement showing that the proposed district meets the standards set out in subsection (a) of G.S.160A-537, and a plan for providing one or more of the services listed in G.S. 160A-536 is required to be prepared and presented to the Carrboro of Aldermen prior to a public hearing on this matter.

NOW THEREFORE BE IT RESOLVED by the Carrboro May and Board of Aldermen: that the Board of Aldermen accepts the report presented by staff and directs staff to place the report in the office of the Town Clerk for a period of four weeks prior to the public hearing which is scheduled for May 9, 2000.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of March, 2000:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

DISCUSSION OF CHANGING THE NAME OF THE CARRBORO COMMUNITY CENTER

The purpose of this item was for the Mayor and Board of Aldermen to receive public comment and discuss changing the name of the Carrboro Community Center to Carrboro Century Center.

No one addressed the Board concerning this matter. Mayor Nelson stated that Jackie Helvey-Hayes had asked him to relay her support for name change as proposed.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION RE-NAMING THE NEW COMMUNITY CENTER
Resolution No. 131/1999-2000

WHEREAS, the Town of Carrboro is renovating a facility in Downtown Carrboro to be used as offices for the Police Department, Recreation and Parks Department, and for a community center; and

WHEREAS, the community center is a beautiful space that will provide much needed performance facilities and meeting rooms for the community; and

WHEREAS, this community center will be the only facility of its kind in the County; and

WHEREAS, the revenue generating activities in the facility will help underwrite many other activities that are important to community health but will not pay their way; and

WHEREAS, the Town has an interest in maximizing the use of this facility for the benefit of the entire community.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. That the new community center shall be called "Carrboro Century Center".

Section 2. That all signage for the new community center shall read as such.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of March, 2000:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

It was the consensus of the Board that the entire building have one name, but the various departments should be marked clearly.

**REVIEW OF LAND USE ORDINANCE PROVISIONS RELATING TO MINOR SUBDIVISIONS,
INFILL AND DENSITY OPTIONS**

Questions regarding the degree to which land use ordinance provisions serve as either incentives or disincentives to infill development were raised on several occasions in 1999. Staff has evaluated the level of development within the town and examined the land use ordinance in response to these questions. A resolution that expresses the Board's acceptance of this report and, if desired, identifies any concerns or wishes to alter the existing regulations and policies was recommended for the Board's adoption.

Trish McGuire, the town's Planning Administrator, made the presentation and showed slides of existing infill developments within the town.

Mayor Nelson expressed concern about site designs in infill development.

Alderman Gist suggested that the Board hold a worksession to further discuss this matter.

Alderman McDuffee asked that the Planning Board discuss this matter and possibly have a joint worksession with the Board to discuss what the town's goals are for infill and problems to avoid.

Alderman Zaffron requested that the TAB be involved in the worksession and asked the Town Attorney to review information he had obtained from Montgomery County, Maryland.

Alderman Dorosin asked how the issues of infill development affect affordable housing.

Alderman Broun asked for an analysis on how OWASA's requirements prevent more aesthetically pleasing siting of homes.

Mayor Nelson stated that his goal would be to develop a vision for how infill development relates to existing neighborhoods.

Alderman Spalt suggested that this matter be considered by all the town's advisory boards, including the Board of Adjustment, Downtown Development Commission and Neighborhood Forum.

It was the consensus of the Board to hold its own worksession prior to holding a worksession with the advisory boards.

DISCUSSION OF PROPOSED REVISION TO THE INTERLOCAL SOLID WASTE MANAGEMENT AGREEMENT

The Orange County Manager's Office requested that the Board of Aldermen consider a request from the Chair of the Orange County Board of Commissioners concerning revisions to the Interlocal Solid Waste Management Agreement.

Gayle Wilson stated that the Chapel Hill Town Council last night had approved a resolution asking the Mayor to contact Mayor Nelson and Moses Carey to begin a process to determine what will happen to the remaining Greene tract acreage. Mr. Wilson stated that bus service to Rodgers Road, the jurisdictional line for Rogers Road and water service have not been resolved which are part of the 14-point agreement.

Gary Carver stated that the 14-point agreement has been disregarded. Mr. Carver requested that no solid waste operations be allowed on the Greene tract and stated that the Rogers Road and Eubanks Road neighborhood residents are the losers in all this.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE AMENDMENT TO THE AGREEMENT FOR SOLID WASTE MANAGEMENT AS REQUESTED BY THE ORANGE COUNTY BOARD OF COMMISSIONERS. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (BROUN, DOROSIN)

It was the consensus of the Board to request that Mayor Nelson reiterate the Board's interest in setting aside a portion of the Greene tract for affordable housing.

A REQUEST TO ADOPT A RESOLUTION PROVIDING DIRECTION TO STAFF ON FY2000-01 BUDGET PROJECTS FOR THE BOARD OF ALDERMEN'S DEPARTMENTAL COST CENTER

Annually, the Board of Aldermen approves an operating budget to fund ongoing support costs associated with activities required of Board members in doing day-to-day Town business. Such costs include postage and printing costs associated with citizen requests; dues for various municipal organizations, professional fees for the Town Attorney's services; elections costs paid by the Town and other operating costs. The Board was requested to comment on and revise FY2000-01 budget projections for the Board's departmental cost center for consideration in the Manager's recommended budget to be presented on April 25, 2000.

Bing Roenigk the Assistant Town Manager, answered the Board's questions.

The Board made no changes in its departmental budget for FY 2000-01.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION PROVIDING DIRECTION TO STAFF ON THE
FY2000-01 BUDGET FOR THE
BOARD OF ALDERMEN'S DEPARTMENTAL BUDGET
Resolution No. 136/1999-2000

WHEREAS, the Carrboro Board of Aldermen have reviewed the projections for its departmental cost center.

NOW, THEREFORE THE BOARD OF ALDERMEN RESOLVES:

Section 1. The Board directs staff to include these projections in the Manager's Recommended Budget to be presented on April 25, 2000.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of March, 2000:

Ayes: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: None

Absent or Excused: None

A REQUEST TO ADOPT A RESOLUTION TO CONTRACT WITH NCDOT TO OBTAIN FEDERAL-AID HIGHWAY FUNDS FOR IMPROVEMENTS IN THE PROTECTIVE DEVICES AT THE CROSSING AT BREWER LANE AND UNC RAILROAD TRACKS

The Federal government provides funds to the states for railway-highway grade crossing signalization projects. Public railway-highway grade crossings are examined annually by the State of North Carolina and ranked according to their need for improvement. Based on the existing train volume, automobile volume, train speed, past accident experience, and existing protection; the crossing of Brewer Lane and UNC Railroad Tracks, (Crossing No. 735 179M) has qualified for Federal funds. The Board was requested to adopt a resolution authorizing the Department of Transportation to contract with the Federal Highway Administration to obtain Federal-Aid funds.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Broun.

A RESOLUTION AUTHORIZING THE MAYOR AND TOWN CLERK
TO EXECUTE A MUNICIPAL AGREEMENT WITH THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
TO OBTAIN FEDERAL-AID HIGHWAY FUNDS TO
IMRPOVE THE PROTECTIVE DEVICES AT THE
CROSSING AT BREWER LANE AND UNC RAILROAD TRACKS
Resolution No. 138/1999-2000

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18(12) proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in the protective devices at certain highway-railroad crossings on the Municipal Street System for which the Municipality is responsible; and

WHEREAS, this project shall consist of the installation of certain automatic warning devices at the crossing of Brewer Lane and UNC Railroad Tracks (Crossing No. 735 179M); and

WHEREAS, the Municipality will reimburse the Department of Transportation for ten percent (10%) of any and all expenses incurred in the planning, design and installation of the protective device by the Department of Transportation, and 100% of the cost not reimbursed by the Federal Highway Administration; and

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the protective devices at certain highway-railroad crossings on the Municipal Street System.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Town Clerk of the Town of Carrboro are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the protective devices at the said grade crossing under Project Z-4007 B, for the Department of Transportation to perform certain work, and the Mayor and Town Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of March, 2000:

Ayes: Alex Zaffron, Mark Dorosin, Joal Hall Broun, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: None

Absent or Excused: None

DOMESTIC PARTNER LAWSUIT

Mike Brough stated that a decision should be forthcoming in the next two weeks in the domestic partner lawsuit.

PROPOSAL FOR FARE-FREE BUS SERVICE

Alderman McDuffee expressed concern that the Board has not discussed the proposal for fare-free bus service.

Mr. Morgan stated that he was including the cost of the fare-free service in his Recommended Budget for 2000-01 for the Board's consideration.

The Board requested that Mayor Nelson contact Mayor Waldorf to express the town's interest in discussing fare-free bus service with the request that no final decisions be made by the Town of Chapel Hill until Carrboro has discussed this matter.

TRAFFIC SIGNAL AT THE LLOYD/MAIN STREET INTERSECTION

Alderman Dorosin announced that NCDOT has approved the installation of a traffic signal at the intersection of Lloyd Street and Main Street.

ANNOUNCEMENT

Alderman Dorosin announced that he has co-written a play entitled, "Hamlet II-The Investigation" that will be presented at the ArtsCenter on April 14 and 15 and 28 and 29.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION AT 10:10 P.M. TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk